

# SUBSTITUTE DECLARATION

XX ORIGINAL  
CONTINUATION  
CONTINUATION-IN-PART  
DIVISIONAL

Attorney Docket No. A04P1009

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor(s) (Michael E. Benser, Ruth Lyons, and Eric Falkenberg) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## AUGMENTING HYPOVENTILATION

the specification of which:

XX is attached hereto.  
was filed on January 26, 2004 as U.S. Application No. 10/765,625

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability of this application in accordance with 37 C.F.R., Section 1.56.

I hereby claim the benefit under 35 U.S.C., Section 119(e), of any U.S. provisional application(s) listed below.

\_\_\_\_\_  
(Application Serial No.) (Filing Date)

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(Application Serial No.) (Filing Date)

I hereby claim the benefit under 35 U.S.C, Section 120, of any U.S. application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior U.S. application in the manner provided by the first paragraph of 35 U.S.C., Section 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R., Section 1.56, which became available between the filing date of the prior application and the national filing date of this application.

\_\_\_\_\_  
(Application Serial No.) (Filing Date) (Status)

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(Application Serial No.) (Filing Date) (Status)

Please associate the correspondence address for the above-identified application to: **CUSTOMER NUMBER 36802**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor: Michael E. Benser

Inventor's Signature

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Inventor's Signature

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Date:

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